

Governor's Executive Orders/Proclamations

**EXECUTIVE ORDERS, PROCLAMATIONS OF
GENERAL APPLICABILITY, AND STATEMENTS
ISSUED BY THE GOVERNOR
PURSUANT TO A.R.S. § 41-1013(B)(3)**

The Administrative Procedure Act (APA) requires the full-text publication of all Executive Orders, Proclamations of General Applicability, and ceremonial dedications issued by the Governor. In addition, the *Register* shall include each statement filed by the Governor in granting a commutation, pardon or reprieve, or stay or suspension of execution where a sentence of death is imposed. With the exception of egregious errors, content (including spelling, grammar, and punctuation) of these orders has been reproduced as submitted.

**EXECUTIVE ORDER 2014-01
Establishing a Cabinet-Level Child Safety and Family Services Division**

[M14-15]

WHEREAS, the safety of all children in the State of Arizona is of the utmost importance; and

WHEREAS, every child has the right to a safe environment and protection from harm; and

WHEREAS, throughout the United States and Arizona the unconscionable failure of some in society to care for and protect children is a long-standing problem; and

WHEREAS, the child welfare system in Arizona should promote and prioritize the safety of children and inspire public confidence; and

WHEREAS, it is necessary to continuously monitor and review the effectiveness of the child welfare system's delivery of services and efficient utilization of resources and consider reforms to enhance child safety when appropriate; and

WHEREAS, the current Arizona child welfare system is broken and is not meeting expectations of prior reform efforts and it is time for significant reform; and

WHEREAS, A.R.S. § 41-1954 requires the Department of Economic Security, among other functions, to administer child welfare services to children, youth and families; and

WHEREAS, Article 5, Section 4 of the Arizona Constitution and A.R.S. § 41-101 provide that the Governor shall transact all executive business, supervise the official conduct of all executive officers, and ensure the laws be faithfully executed; and

WHEREAS, A.R.S. § 41-1953 allows for the establishment, abolishment or reorganization of the organizational units within the department in order to carry out the department's statutory functions; and

WHEREAS, the Division of Children, Youth and Families and the Office of Child Welfare Investigations are currently located within the Department of Economic Security; and

WHEREAS, the Division of Children, Youth and Families houses the state child welfare program, including Child Protective Services, foster care, adoption, and the Comprehensive Medical and Dental Program; and

WHEREAS, the Office of Child Welfare Investigations is charged with investigating criminal conduct allegations of child abuse and neglect; and

WHEREAS, A.R.S. § 41-1969.01 states that the Director of the Department of Economic Security is responsible for the direction, operation and control of the Office of Child Welfare Investigations; and

WHEREAS, an independent, stand-alone organizational and direct reporting structure for the state child welfare program will ensure the effective delivery of services and efficient utilization of resources, providing appropriate outcomes for children, youth and families through transparency, increased accountability and coordinated service delivery; and

WHEREAS, maintaining operational support for the state child welfare program within the Department of Economic Security until a permanent, separate agency is established will allow for maximum administrative and financial efficiency in the short-term.

Arizona Administrative Register / Secretary of State
Governor's Executive Orders/Proclamations

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of this State, hereby order and direct as follows:

1. The Division of Children, Youth and Families is abolished and the Division of Child Safety and Family Services is established. The Director of the Division of Child Safety and Family Services shall oversee and direct all administrative, programmatic, and management functions of the state child welfare program, including Child Protective Services, foster care, adoption, and the Comprehensive Medical and Dental Program.
2. The Office of Child Welfare Investigations shall also report to the Director of the Division of Child Safety and Family Services.
3. The Director of the Division of Child Safety and Family Services shall report directly to the Governor on all administrative and policy matters involving child welfare, including Child Protective Services, foster care, adoption, and the Comprehensive Medical and Dental Program.
4. The Director of the Division of Child Safety and Family Services shall administer the budgets of the state child welfare program and the Office of Child Welfare Investigations separate and distinct from one another.
5. The Director of the Division of Child Safety and Family Services shall consider the recommendations of the Independent Child Advocate Response Examination Team (CARE Team), as directed by the Governor, for the purpose of improving services, practices and outcomes for children, youth and families.
6. The Director of the Division of Child Safety and Family Services shall collaborate with the Governor's Office and with stakeholders, including the Arizona Legislature, in the development of a permanent, separate agency – autonomous from the Department of Economic Security – for state child welfare programs and services.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this thirteenth day of January in the year Two Thousand Fourteen and of the Independence of the United States of America the Two Hundred and Thirty-eighth.

ATTEST:
Ken Bennett
Secretary of State

EXECUTIVE ORDER 2012-03

State Regulatory Review, Moratorium and Streamlining To Promote Job Creation and Retention

Editor's Note: This Executive Order is being reproduced in each issue of the Administrative Register until its expiration on December 31, 2014, as a notice to the public regarding state agencies' rulemaking activities.

[M12-226]

WHEREAS, my first official action as Governor was to institute a regulatory rule making review and moratorium process ("regulatory review and moratorium") in order to prevent any additional burdens on Arizona's private sector employers and political subdivisions; and

WHEREAS, this rule making review and moratorium process has continued by session law or executive order to this day; and

WHEREAS, a predictable regulatory climate in this State will promote job creation and retention; and

WHEREAS, Arizona's efforts are being rewarded, such as being ranked as one of the top ten best states for business in a survey of chief executive officers this year, the eighth best for job growth in the last year, and the top state for innovators starting new business; and

WHEREAS, last January, I determined that State agencies needed to quicken the pace on streamlining existing rules and reducing wasted time in regulatory processes to increase Arizona's economic competitiveness and job creation, while still protecting public health, safety and the environment; and

Governor's Executive Orders/Proclamations

WHEREAS, the 50th Legislature passed and I signed into law House Bill 2744 (2012 Arizona Laws, Chapter 352) which permits a state agency to conduct expedited rulemaking to streamline existing rules; and

WHEREAS, this expedited rulemaking authority will be used, in part, by State agencies to implement the “lean” waste reduction initiative I announced last January to increase the efficiency and service quality of State agencies; and

WHEREAS, I encourage the general public and regulated community to bring forward ideas to State agencies and the Governor's Regulatory Review Council on what rules need to be streamlined and how that can be best achieved while still protecting public health, safety and the environment; and

WHEREAS, the current regulatory review and moratorium expires on June 30, 2012.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of this State hereby declare the following:

1. A state agency, subject to this Order pursuant to Paragraph 4, shall not conduct any rule making except as permitted by this Order. The objective of this Order is to eliminate any unnecessary increased monetary or regulatory costs on employers, persons, individuals, other state agencies, or political subdivisions of this State. This prohibition includes any informal rule making prior to the commencement of the formal rule making process.
2. Paragraph 1 does not apply to state agency rule making for any one or more of the following reasons:
 - a. To fulfill an objective related to job creation in this State.
 - b. To lessen or ease a regulatory burden while achieving the same regulatory objective.
 - c. To prevent a significant threat to the public health, peace or safety.
 - d. To avoid a violation of a court order or federal law that would result in sanctions by a court or federal government against an agency for failure to conduct the rulemaking action.
 - e. To comply with a federal statutory or regulatory requirement or a state statutory requirement if the applicable statute or regulation contains a date certain for compliance on or before December 31, 2014 or is necessary under subparagraph (c) of this paragraph.
 - f. To fulfill an obligation related to fees or any other action necessary to implement the state budget that is certified by the Governor's Office of Strategic Planning and Budgeting.
 - g. To promulgate a rule or other item that is exempt from Title 41, Chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
 - h. To address matters pertaining to the control, mitigation or eradication of waste, fraud or abuse within a state agency or wasteful, fraudulent or abusive activities perpetrated against a state agency.
3. A state agency, subject to this Order pursuant to Paragraph 4, shall not conduct any informal or formal rule making pursuant to Paragraph 2 or otherwise without the prior written approval of the Office of the Governor.
4. This order applies to all state agencies, except for: (a) any state agency that is headed by a single elected state official, (b) the Corporation Commission, or (c) any state agency whose agency head is not appointed by the Governor.
5. All state officials and state agencies that are not subject to this Order pursuant to Paragraph 4 are encouraged to participate voluntarily within the context of their own rule making process.
6. State agencies may continue a rule making that was authorized by the Office of the Governor on or after January 22, 2009. All state agencies, subject to this Order pursuant to Paragraph 4, shall report to the office of the Governor by July 31, 2012 all pending and anticipated rule making requests. Beginning fiscal year 2013 all state agencies shall submit to the Office of the Governor by the end of each fiscal year an annual report of all pending and anticipated rule making to Office of the Governor.
7. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a state agency.
8. For the purposes of this executive order, “person,” “rule” and “rule making” have the same meanings prescribed in section 41-1001, Arizona Revised Statutes.
9. This Executive Order expires on December 31, 2014.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix, Arizona this 26th day of June in the year Two Thousand Twelve, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State